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13 *Philips Taiwan Limited and Philips do Brasil Ltda.*

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15 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
16 **SAN FRANCISCO DIVISION**

17 In re: CATHODE RAY TUBE (CRT)
18 ANTITRUST LITIGATION

Case No. 07-5944 SC
MDL No. 1917

19 This Document Relates to:

20 ALL INDIRECT PURCHASER ACTIONS

**DECLARATION OF ERIK T. KOONS IN
SUPPORT OF PHILIPS TAIWAN
LIMITED'S AND PHILIPS DO BRASIL
LTDA.'S MOTION TO DISMISS FOR
INSUFFICIENT SERVICE OF PROCESS
AND LACK OF PERSONAL
JURISDICTION**

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28 MDL 1917

1 I, Erik T. Koons, hereby declare as follows:

2 1. I am a partner with the law firm of Baker Botts L.L.P., counsel for Defendants
3 Koninklijke Philips N.V. (“KPNV”) and Philips Electronics North America Corporation
4 (“PENAC”). I make this declaration in support of Philips Taiwan Limited’s (“PTL”) and Philips do
5 Brasil Ltda.’s (“PDBL”) Motion to Dismiss for Insufficient Service of Process and Lack of Personal
6 Jurisdiction.

7 2. Attached as Exhibit A to this declaration is a true and correct copy of PTL and
8 PDBL’s motion to dismiss for lack of personal jurisdiction and insufficient service of process,
9 among other bases, that was filed on May 18, 2009, and related documents. This motion was
10 originally filed by Philips Electronics Industries (Taiwan), Ltd. and Philips da Amazonia Industria
11 Electronica Ltda., which have since been merged into PTL and PDBL, respectively. This
12 declaration will refer to these entities by their current names.

13 3. I was admitted to appear *pro hac vice* in this case on behalf of Defendants KPNV and
14 PENAC. *See* Dkt Nos. 1517, 1519. I have not appeared on behalf of PTL or PDBL in this action.

15 4. Attached as Exhibit B to this declaration is a true and correct copy of the May 24,
16 2010 letter from Ethan E. Litwin to Special Master Charles A. Legge, which was filed on May 25,
17 2010, at docket number 720.

18 5. On November 13, 2013, counsel for the Indirect Purchaser Plaintiffs (“IPPs”)
19 contacted me to discuss PTL and PDBL’s May 18, 2009 motion to dismiss for lack of personal
20 jurisdiction and insufficient service of process.

21 6. On November 15, 2013, I participated in a telephonic meet-and-confer with counsel
22 for IPPs regarding the pending jurisdictional motion. During the conference, counsel for the IPPs
23 stated that they were considering whether they would continue to pursue claims against PTL and
24 PDBL, or simply dismiss these entities.

25 7. On February 5, 2014, counsel for the IPPs contacted me and asked if I would accept
26 service on behalf of PTL and PDBL. I informed counsel for the IPPs that I was not authorized to
27 accept service on behalf of PTL and PDBL and stated that the IPPs would need to serve these

1 defendants through formal and proper channels. IPPs' counsel stated that they would nonetheless
2 serve me personally and consider subsequent service of process through the Hague Convention or
3 other formal service of process.

4 8. In disregard of my instructions, the IPPs delivered a copy of the IPPs' Fourth
5 Consolidated Amended Complaint ("Fourth Amended Complaint") and summons by certified mail
6 dated February 18, 2014, stating in the cover letter that this mailing was to purportedly effect service
7 on PTL and PDBL. This mailing was addressed to me and was delivered to my office in
8 Washington, D.C.

9 9. Attached as Exhibit C to this declaration is the cover letter that accompanied the
10 IPPs' February 18, 2014 mailing.

11 10. On March 4, 2014, I participated in a telephonic meet-and-confer with counsel for the
12 IPPs during which I again informed IPP counsel that service of the Fourth Amended Complaint and
13 summons was defective and thus ineffective. I again encouraged IPP counsel to formally serve PTL
14 and PDBL through proper channels and inquired whether the IPPs intended to effectuate such formal
15 service. Counsel for the IPPs stated that they had elected not to effect service through alternative,
16 formal means.

17 I declare under penalty of perjury under the laws of the United States of America that the
18 foregoing is true and correct to the best of my knowledge.

19
20 Executed this 26th day of March, 2014, in Washington, D.C.

21 /s/ Erik T. Koons
22 Erik T. Koons
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